

NOTICE: STATE PROPOSAL – NOVEMBER 5, 2002

PROPOSAL 02-3

PROPOSED CONSTITUTIONAL AMENDMENT

A proposal to amend the state constitution to grant state classified employees the constitutional right to collective bargaining with binding arbitration. (Proposal provided under an initiative petition filed with the Secretary of State on July 8, 2002.)

The proposal would amend the state constitution by adding language to Article 11, Section 5. The following is the language of the proposed constitutional amendment as it appeared on the initiative petition. Words added to Article 11, Section 5, of the state constitution are in capital letters.

Article 11, Section 5:

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

The civil service commission shall be non-salaried and shall consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for terms of eight years, no two of which shall expire in the same year.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the classified service and who shall be responsible to and selected by the commission after open competitive examination.

The commission shall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service.

State Police Troopers and Sergeants shall, through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for Public Police and Fire Departments.

STATE CLASSIFIED EMPLOYEES SHALL HAVE THE RIGHT TO ELECT BARGAINING REPRESENTATIVES BY A MAJORITY VOTE IN APPROPRIATE BARGAINING UNITS AS DETERMINED BY THE COMMISSION FOR THE PURPOSE OF COLLECTIVELY

BARGAINING WITH THE STATE EMPLOYER AND FOR OTHER MUTUAL AID AND PROTECTION. THE STATE SHALL BARGAIN IN GOOD FAITH FOR THE PURPOSE OF REACHING A BINDING COLLECTIVE BARGAINING AGREEMENT WITH ANY ELECTED BARGAINING REPRESENTATIVE OVER WAGES, HOURS, PENSIONS AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT. IF THE BARGAINING REPRESENTATIVE AND THE STATE CANNOT REACH A COLLECTIVE BARGAINING AGREEMENT, THE BARGAINING REPRESENTATIVE SHALL HAVE THE RIGHT 30 DAYS AFTER THE COMMENCEMENT OF BARGAINING TO SUBMIT ANY UNRESOLVED DISPUTES TO BINDING ARBITRATION FOR RESOLUTION THEREOF THE SAME AS NOW PROVIDED BY LAW FOR PUBLIC POLICE AND FIRE DEPARTMENTS.

No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion. No appointments, promotions, demotions or removals in the classified service shall be made for religious, racial or partisan considerations.

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days followings such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.

The appointing authorities may create or abolish positions for reasons of administrative efficiency without the approval of the commission. Positions shall not be created nor abolished except for reasons of administrative efficiency. Any employee considering himself aggrieved by the abolition or creation of a position shall have a right of appeal to the commission through established grievance procedures.

The civil service commission shall recommend to the governor and to the legislature rates of compensation for all appointed positions within the executive department not a part of the classified service.

To enable the commission to exercise its powers, the legislature shall appropriate to the commission for the ensuing fiscal year a sum not less than one percent of the aggregate payroll of the classified service for the preceding fiscal year, as certified by the commission. Within six months after the conclusion of each fiscal year the commission shall return to the state treasury all moneys unexpended for that fiscal year.

The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law.

No payment for personal services shall be made or authorized until the provisions of this constitution pertaining to civil service have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

Provisions of existing constitution altered or abrogated by the proposal if adopted:

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Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and

commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of record, employees of the legislature, employees of the state institutions of higher education, all persons in the armed forces of the state, eight exempt positions in the office of the governor, and within each principal department, when requested by the department head, two other exempt positions, one of which shall be policy-making. The civil service commission may exempt three additional positions of a policy-making nature within each principal department.

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The following is the official ballot wording:

PROPOSAL 02-3

**A PROPOSAL TO AMEND THE STATE CONSTITUTION
TO GRANT STATE CLASSIFIED EMPLOYEES THE CONSTITUTIONAL RIGHT TO
COLLECTIVE BARGAINING WITH BINDING ARBITRATION**

The proposed constitutional amendment would:

- Grant state classified employees, in appropriate bargaining units determined by the Civil Service Commission, the right to elect bargaining representatives for the purpose of collective bargaining with the state employer.
- Require the state to bargain in good faith for the purpose of reaching a binding collective bargaining agreement with any elected bargaining representatives over wages, hours, pensions and other terms and conditions of employment.
- Extend the bargaining representatives the right to submit any unresolved disputes over the terms of a collective bargaining agreement to binding arbitration 30 days after the commencement of bargaining.

Should the proposal be adopted?

Yes ☐

No ☐